

IN THE EXEMPTION APPLICATION OF:-

ENLINK FREIGHT SERVICE CC

Applicant

and

**NATIONAL BARGAINING COUNCIL FOR THE
ROAD FREIGHT AND LOGISTICS INDUSTRY (Council)**

Respondent

DECISION

1. The Applicant applied for exemption from all provisions of the Collective Agreement.
2. The matter appeared on the Agenda of the Exemptions Body meeting held on the 15th April 2013.
3. The following were present:-
 - 3.1 Mr Y. Nagdee - Chairperson of the Exemptions Body
 - 3.2 Ms R. Manning - Member of the Exemptions Body
 - 3.3 Mr P. Mndaweni - Committee Secretary of NBCFRLI
 - 3.4 Ms J. Nel - Exemptions Officer of NBCRFLI
 - 3.5 Mr R. Mathee - Member
 - 3.6 Mr D. Mathee - Ops Manager

4. Apologies were received from the following members:

- 4.1 Mr G. Wessels - Member of the Exemptions Body
- 4.2 Ms T. Stroh - Acting CEO of NBCRFLI

5. **APPLICANT'S SUBMISSIONS**

5.1 The Applicant submitted further information which provided as follows:

"The annual rate adjustment negotiations with our clients ended on 28 February 2013.

Enlink Freight asked for a 6% increase across the board.

The average increase we were able to obtain was 4.5% with some of our larger clients postponing the increase date to July 2013.

Operational costs are rising monthly and our budget is being stretched to the limit.

Our future expansion plans places tremendous pressure on our finances because we will have to subsidize the operational expenses for at least six months.

As mentioned in the past, the only way to survive all these cost increases is for all of us to save wherever we can. Marketing our services whenever the opportunity calls, must be done.

We have decided that we will an 8% salary increase on the basic salary for all employees this year.

The increase will come into effect on the date that employment was started after completing a year's service, payable, at the end of that month.

Allowances

Drivers

Night Outs - R250.00 per night, 12 hour period.

Food - R200.00, four meals or R50.00 per meal thereafter until the trip is completed. Effective 26 March 2013.

As owners of Enlink Freight Services we would like to thank each and every one for their contribution to make Enlink the company it is."

6. COUNCIL'S SUBMISSIONS

The Council submitted as follows:

- "1. The Applicant is compliant with the provisions of the previous exemption that was granted to them from all provisions of the***

agreement for a period of 4 months from 01 November 2012 to 28 February 2013.

- 2. Applicant stated that they will not be able to meet Council's demands before May. Applicant will appreciate if Council can extend period to 01/05/2013.**
- 3. Applicant is engaged in cross border operations;**
- 4. The Exemptions Body is guided by Part 4 of the Main Collective Agreement Benefit funds (Clause 24 – 30) and Clause 4(8) of the Exemptions and Disputes Resolution Agreement. We therefore trust that the panel will make their decision accordingly."**

7. ANALYSIS

- 7.1** The Applicant clarified its position and sought an exemption for the period upto May 2013. The Applicant informed the Exemptions Body that it was able to obtain a 4,5% increase from its suppliers and it postponing the increase date to July 2013. It has also decided to grant its employees an 8% increase.
- 7.2** The Exemptions Body considered the matter and noted that the exemption sought is for a short period and will assist the Applicant to overcome some of its difficulties. The application has the support of its employees.

8. **DECISION**

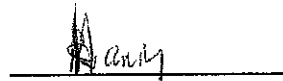
8.1 Accordingly exemption is granted for the period 1st March 2013 to 30th April 2013.

DATED THE 26 DAY OF April 2013 AT BRAAMFONTEIN,
JOHANNESBURG.



MR. Y. NAGDEE

Chairperson of the
Exemption Body



MS R. MANNING

Member of the
Exemption Body

I agree